



September 16, 2010

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: TV White Spaces  
ET Docket Nos. 04-186 and 02-380

Dear Ms. Dortch:

JAB Wireless, Inc. provides fixed wireless broadband service in Colorado, Utah and the Dallas/Ft. Worth area. We operate under the trade names of Skybeam ([www.skybeam.com](http://www.skybeam.com)) and Digis ([www.digis.net](http://www.digis.net)) and are one of the largest fixed wireless service providers in the United States. We rely primarily on unlicensed spectrum to deliver broadband data and voice services to both consumers and small businesses that either have few broadband choices or prefer to do business with a local service provider. JAB is an industry consolidator and is the product of dozens of companies that built their networks using devices authorized under Part 15 rules the FCC adopted to open up 900 MHz, 2.4 GHz and 5 GHz spectrum for unlicensed broadband devices. Thanks to the Commission's initiatives, consumers in ex-urban and rural areas have a choice of low cost, high speed broadband service. We continue to invest millions of dollars annually to provide broadband speeds up to 10 Meg and quality home telephone service at prices competitive to, or lower than, our largest competitors.

JAB is very interested in utilizing television white spaces so that we can both expand and improve service. In order to continue to deliver a high level of service to our subscribers, it is necessary to utilize whatever additional spectrum available to ease congestion, increase speeds and improve connectivity often hindered by obstructions such as trees, hills, buildings, etc. Television white space utilization is key to our continued success in bringing low cost broadband voice and data services to underserved areas. We are committed to deploying on a large scale as soon as equipment for point-to-multipoint service is commercially available.

I am pleased that the FCC will be acting on TV white space petitions for reconsideration in the near future. There are several proposals that would help us to deploy service:

First, the FCC should allow WISPs to operate using base station antennas mounted higher than 30 meters, and we should be allowed to install customer antennas (CPE) at heights below 10 meters. If we could increase our base station antenna height to 100 meters, we could cover three times more area with a base station and reduce our equipment, tower acquisition and tower lease fees by a large amount – an amount that could be the difference between deploying and not deploying in an area. We support the WISPA and Motorola proposals to increase base station

height. By removing any minimum CPE height restrictions, we would not have to put tall masts on residences and we would be able to provide service at a lower cost.

Second, we believe we should be allowed to operate with power in excess of 4 Watts EIRP in rural areas. As is the case with tower height, operating with higher power will give us a greater coverage area thus save unnecessary infrastructure expense.

Third, we are very concerned about a proposal made by FiberTower and others to license white space spectrum for point-to-point wireless backhaul. Not only would adopting this proposal take six channels (36 MHz) and perhaps more channels away from JAB, but WISPs also would have to protect these licensed links. Moreover, channels and areas far beyond the links would be blocked because the signals from the licensed links would overshoot the path and the endpoints. This is due to the low-cost, low-gain antennas FiberTower wants to use. We would be concerned deploying knowing a licensed point-to-point user could come along and completely disrupt our service using their licensed link. We support the views expressed by WISPA in their September 8 letter and ask the FCC to reject the FiberTower proposal.

Thank you for your consideration in this matter.

Sincerely,

Jeff Kohler, Co-Founder  
JAB Wireless, Inc.